

State of New Hampshire
WATER WELL BOARD



Roger B. Skillings, C.W.D. – P.I., *Water Well Contractor*
David R. Hunt, *Water Well Contractor*
Stephen R. Smith, *Pump Installer*
Richard P. Schofield, P.G., *Staff*

Steven Garside, *Technical Driller*
Rene Pelletier, P.G., *Dept. of Environmental Services*
Frederick H. Chormann, Jr., P.G., *State Geologist*
Steve Guercia, *Certified Operator, Public Member*

NH WATER WELL BOARD MINUTES

October 19, 2012

A meeting of the New Hampshire Water Well Board ("Board") was held on October 19, 2012, at 9:00 AM, in the Department of Environmental Services Building in rooms 113 and 114, 29 Hazen Drive, Concord, NH 03301.

Present were: Roger Skillings, Chairman
Rene Pelletier, Secretary
Board Members: Stephen Smith, David Hunt, Steve Guercia, Frederick Chormann and Steven Garside
NH DES Staff: Richard Schofield and Michelle Robbins

Chairman Skillings brought the meeting to order at 9:00 AM.

Approval of Minutes

Upon motion by Mr. Pelletier and seconded by Mr. Smith, the Board voted to accept the Minutes of the August 9, 2012 meeting.

License Applicants

Shawn Flynn

The Board reviewed an application from Shawn Flynn. *Mr. Schofield had invited Mr. Flynn to attend the August 9, 2012 meeting to discuss his application but due to an unfortunate date mix up, Mr. Flynn thought the meeting was on August 10, 2012. As a result of the error, Mr. Flynn was told his application for a water well contractor license would be reconsidered at the next meeting. Mr. Flynn's application was denied on August 9, 2012 due to its incomplete nature and Mr. Flynn's absence from the meeting.* At the current meeting, the issue remained that the application was incomplete and Mr. Flynn did not have two references from individuals working in the industry as required on the application. Mr. Flynn stated how he has 17 years of experience and how there are only two people in his area installing wells. The Board's concern was setting precedence by granting Mr. Flynn's application in the absence of appropriate references. Upon lengthy discussion and belief the approval of Mr. Flynn's application would be better for the environment and public health, Mr. Pelletier motioned to grant an exemption of the requirements of We 302.05 under We 204.06 to ameliorate undue hardship and to issue Mr. Flynn a one year probationary license with the following conditions: Mr. Flynn is required to give Mr. Schofield sufficient notice prior to any well installations for Mr. Schofield to arrange an inspection of the well during construction; and Mr. Flynn must pass the Water Well Contractor

and Operator Certification exams. Mr. Smith seconded the motion. The Board voted unanimously to approve the application.

Daniel Bronson

The Board considered an application from Daniel Bronson for a water well contractor license. Mr. Hunt motioned to accept Mr. Bronson's application and Mr. Smith seconded the motion. The Board voted unanimously to approve the application.

Raymond Villeneuve

The Board considered an application from Raymond Villeneuve for a water well contractor license. Upon motion by Mr. Pelletier and seconded by Mr. Chormann, the Board accepted Mr. Villeneuve's application. The Board voted unanimously to approve the application.

Christopher DeVillers

The Board considered an application from Christopher DeVillers for a water well contractor license. Mr. Pelletier motioned to accept Mr. DeVillers's application and Mr. Garside seconded the motion. The Board voted unanimously to approve the application.

Renewals

Mr. Schofield brought it to the Board's attention he had received 25 late renewals representing 15 water well contractor and 20 pump installer licenses. Mr. Schofield questioned the Board about several contractors who have yet to renew to determine whether they are still operating.

Request for Exemption

Denis L. Maher

The Board considered a request for exemption from Denis L. Maher to decommission a well by the following method: 1) pull existing pump; 2) chlorinate well; 3) fill to within 15 feet of the surface with No. 2 sand pack; 4) transition to 1 foot of No. 00 sand; and 5) Cement-Bentonite grout to top of well casing, which is in a vault 1 foot below existing grade.

Mr. Schofield explained that the Board had previously granted an exemption to Underwood Engineers on May 26, 2011 for decommissioning the same well, but using different specifications. Theodore Morine was present representing the Denis L. Maher Co and explained the rationale for using the dissimilar method.

Upon motion by Mr. Pelletier and seconded by Mr. Smith, the Board voted to grant Denis L. Maher the requested exemption based on We 604.05(b) thereby rescinding the prior exemption granted to Underwood Engineers at its May 26, 2011 meeting.

Village District of Eastman

Mr. William Weber appeared before the Board on behalf of the Village District of Eastman (VDE). The VDE had requested a waiver from using a Bentonite seal for the abandonment of 18 dug wells in their well field. Upon discussion and review of We 604.05(a), Mr. Weber withdrew his request for exemption but requested the record reflect his attendance and advisement by the Board to follow the requirements under We 604.05(a).

Request for Removal of ComplaintsCapital Well Company

At the prior meeting the Board considered and denied Capital Well Company's request to have its complaints removed from the registry based on the fact that three years had not passed since a complaint was filed against Capital Well Company. At the current meeting, Terry Swain appeared before the Board to have his request reconsidered. The Board discussed at length when a complaint is considered a complaint and what allows a complaint to be removed from the registry. More specifically the Board discussed whether the complaint received in 2011 from Christine Ackerman (which was subsequently dismissed by the Board) was technically a complaint. The Board identified a potential discrepancy between the statute and the rule. The Board initially tabled the matter until the Board could consult with legal counsel. Following a review of RSA 482-B and upon motion by Mr. Pelletier, seconded by Mr. Hunt, agenda item 4b was removed from the table. The Board voted to consult with counsel, and to grant an exemption under RSA 482-B:13 to remove the complaints pending advice from counsel.

Administrative RulesDecommissioning of Gravel Wells

The Board discussed at length a way of modifying the rules to prevent the filing of so many requests for exemption from the decommissioning regulations for gravel wells, and planned to modify We 604.05(c) to read as follows: "Abandoned water supply wells constructed in unconsolidated materials shall be sealed by: (1) Filling the screened area and casing, up to 15 feet of finished grade, with sand, gravel, washed stone, or cement; (2) Installing a 2 foot bentonite chip plug above the aggregate and/or cement seal; and (3) Filling the remainder of the casing with grout. These criteria will not apply to contaminated sites. Upon motion by Mr. Pelletier and seconded by Mr. Smith, the Board authorized Mr. Schofield to review and approve exemption requests for decommissioning gravel wells based on the criteria established by the Board.

Well Siting

Mr. Schofield provided an overview of the Well Siting Committee (Committee) progress report and recommendations for the Board. The goal of the Committee is to coordinate the Water Well Board rules with the DES Subsurface Systems Bureau rules, to identify discrepancies, correct any discrepancies, to simplify, if possible, and clarify the rules, to eliminate confusion for

licensed well contractors and designers, create a level standard for the competitive marketplace and improve compliance. Four broad areas of well siting were discussed at length including: Setback to property boundaries, setback to state highway rights of way, setback reductions to septic systems, and lots with community or public sewer. The Board discussed the differences between the Water Well Board rules and those within the Subsurface Systems Bureau pertaining to the setback to property boundaries. Mr. Schofield outlined how the two programs planned to work together to allow the rules to work for both the designers and water well contractors. The Board also discussed, in great detail, well siting issues common for small lots and Mr. Smith suggested the engineers designing waste water disposal systems establish all areas where a well could be safely drilled rather than one specific point location. Next, the Board discussed setbacks to state highway rights of way. Currently there are three different state rights of way, prescriptive and common, which include 3 rod and 4 rod r-o-w's that affect the well setback requirement. Based on modified calculations Mr. Schofield was able to get two of the setbacks to be a distance of 75', however setbacks for a 4 rod r-o-w would be 83' and right of ways change along different sections of the same road. Determining the well setback for any given state right of way would require contacting the NHDOT for assistance. The discussion continued with setback reductions to septic systems. The Board discussed using the Pythagorean Theorem to calculate minimum casing requirements for reduced setback distances from septic systems. The applicability would be for existing pre-1967 lots with existing structures. Specifically small lots where there is not enough acreage to drill the well further than the required 75' from a septic system. Mr. Smith suggested that if the required 75' setback could not be reached, to set the 2 dimensional setback (the Hypotenuse in the Pythagorean Theorem) equal to 100' rather than 75'. This would create a safety factor into the calculation for minimum casing length. The Membership recommended the Well Siting Committee be reconvened to established proposed draft rules for the Board to consider.

Special Methods of Construction

The Board considered proposed changes to language under We 602.05(k) which covers special methods of construction. The Board was looking to modify the current wording in hopes of clarifying the minimum casing installed into competent bedrock. The Board agreed to have the rule read as follows: We 602.05(k) Special methods of construction for bedrock wells shall include but not be limited to: (1) Installing no less than 40 feet of casing; (2) Sealing the casing a minimum of 10 feet into competent bedrock; and (3) Grouting the casing.

Old Business

Mr. Schofield reported that the program recycled old inactive license files from 1984 – 1991 in an effort to create additional room in the files.

New Business

House Bill 1265

The Board briefly discussed House Bill 1265, which looked at the benefits of voluntary certification compared to mandatory licensing. An interim study committee was established and convened during the late summer and early fall.

Summary of DES Administrative Fines

Leah McKenna from the compliance and enforcement section of the Drinking Water and Groundwater Bureau (DWGB) compiled a table of water well program outstanding and paid fines from 2001 to present. Fines were proposed against licensees or individuals in response to unlicensed well construction or pump installation, failure to file well completion reports, or construction / installation code violations. The Board reviewed and discussed the presented information and thanked Ms. McKenna for creating the table.

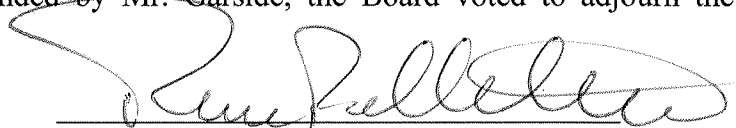
Merrimack Village District – Mitchell Woods Well

The Board discussed the Mitchell Woods Well installed by Boart Longyear, Inc for the Merrimack Village District (MVD) on February 12, 2009. The Board has not received a well completion report for the well to date. Upon motion by Mr. Pelletier and seconded by Mr. Smith, the licensee will be requested to appear before the Board to explain why a well completion report was never filed.

Other

The Board decided to move the start time of future meetings to 9:30 am.

Upon motion by Mr. Smith, and seconded by ~~Mr. Garside~~, the Board voted to adjourn the meeting.



Rene Pelletier
Water Well Board Secretary